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OF COUNSEL  
MARK W. COMLEY

March 25, 2019

**VIA EMAIL ONLY**

Ms. Patricia Miller  
Senior Assistant Regional Counsel  
EPA, Region VII  
901 North 5th Street  
Kansas City, KS 66101  
[Miller.Patriciag@epamail.epa.gov](mailto:Miller.Patriciag@epamail.epa.gov)

**Re: In the Matter of: City of Bolivar  
Order for Compliance on Consent (CWA-07-2007-0068)**

Dear Ms. Miller:

I am writing you on behalf of the City of Bolivar concerning EPA's Order for Compliance on Consent entered on September 17, 2007. It has been over 11 years since this Order has been issued. The City has successfully submitted to EPA and received EPA approval for its tracking system, data management system, plan of action and continuing improvement plan.

The City has also submitted to EPA annual reports summarizing work during the previous year and planned projects for the next year. Over these 11-plus years, I believe EPA has commented on these annual reports only once back in March of 2014.

The Order for Compliance on Consent allows termination of the Order. Paragraph 34 says that the Order remains in place until terminated by EPA. Please consider this letter the City's formal request that EPA terminate the Order for Compliance on Consent. Having not received any input from EPA during the last five years, the City believes that it has fully complied with the Order and now requests its termination. The City looks forward to EPA's termination of this Order at your earliest convenience.

Sincerely,

NEWMAN, COMLEY & RUTH, P.C.

By:

Robert J. Brundage

Ms. Patricia Miller

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RJB:kjh

ec: Mr. Tracy Slagle, City Manager, City of Bolivar  
Mr. Jerry Hamby, Director of Public Works, City of Bolivar  
Ms. Berla Johnson, EPA  
Mr. Chris Wieberg, Director Water Protection Program, MDNR  
Kristi Savage-Clark, Compliance and Enforcement Unit Chief, WPP MDNR  
Ms. Cindy Davies, Director SWR

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII

901 N. 5<sup>th</sup> STREET

KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION

AGENCY-REGION VII

PERMITTING CLERK

IN THE MATTER OF:

FINDINGS OF VIOLATION AND ORDER

FOR COMPLIANCE ON CONSENT

City of Bolivar, Missouri

A Municipality

Docket No. CWA-07-2007-0068

Proceedings under Section 309(a)(3) )  
of the Clean Water Act, )  
33 U.S.C. § 1319(a)(3) )

**I. Preliminary Statement**

1. These FINDINGS OF VIOLATION are made and ORDER FOR COMPLIANCE ON CONSENT is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA"), by Section 309(a)(3) of the Clean Water Act ("CWA" or the "Act"), 33 U.S.C. § 1319(a)(3), as delegated by the Administrator to the Regional Administrator, EPA, Region VII, and further delegated to the Director, Water, Wetlands and Pesticides Division, EPA, Region VII.

2. The City of Bolivar, Missouri (hereafter "Respondent" or "City") owns and operates a publicly owned treatment works ("POTW") that treats domestic, commercial and industrial wastewater.

3. The Missouri Department of Natural Resources ("MDNR") is the agency within the State of Missouri that has been authorized to administer the federal National Pollutant Discharge Elimination System ("NPDES") and Pretreatment programs pursuant to Section 402 of the CWA and its implementing regulations. The EPA maintains concurrent enforcement authority with authorized state NPDES and Pretreatment programs for violations of NPDES permits and/or violations of the Pretreatment program requirements.

4. The City and EPA agree that issuance of this Order for Compliance on Consent ("Order on Consent") will provide protection for human health and the environment. In entering into this Order on Consent, the City agrees to make every effort to diligently and expeditiously implement the measures identified herein to correct current deficiencies with the City's POTW and to improve the management, operation and maintenance of the City's entire wastewater infrastructure, with an emphasis on both sustained incremental improvements and long term stability. The EPA agrees to work closely with the MDNR to coordinate oversight of, and support for, the City's efforts. All parties agree that coordination and communication are essential in successfully implementing this Order on Consent and the underlying improvements for the City's POTW, and further agree that it is a high priority for the City to focus its resources

### Severability

32. If any provision or authority of this Order on Consent, or the application of this Order on Consent to Respondent, is held by federal judicial authority to be invalid, the application to Respondent of the remainder of this Order on Consent shall remain in full force and effect and shall not be affected by such a holding.

### Effective Date

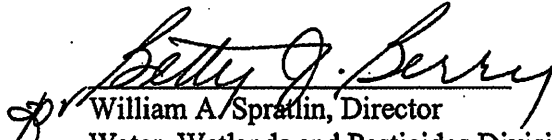
33. The terms of this Order on Consent shall be effective and enforceable against Respondent upon its receipt of an executed copy of the Order on Consent.


### Termination

34. This Order on Consent shall remain in effect until a written notice of termination is issued by an authorized representative of the U.S. Environmental Protection Agency. Such notice shall not be given until all of the requirements of this Order on Consent have been met, as described in Section 7 of Appendix A to this Order on Consent.

### FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Issued this 17th day of September, 2007.

  
William A. Spratlin, Director  
Water, Wetlands and Pesticides Division

  
Patricia Gillispie Miller  
Senior Assistant Regional Counsel